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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,292	11/10/2006	Jurgen Schulz	4A005-002US1	8644
69713	7590	09/17/2010	EXAMINER	
OCCHIUTI ROHLICEK & TSAO, LLP 10 FAWCETT STREET CAMBRIDGE, MA 02138				OBAID, FATEH M
3627		ART UNIT		PAPER NUMBER
NOTIFICATION DATE		DELIVERY MODE		
09/17/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

Office Action Summary	Application No.	Applicant(s)	
	10/553,292	SCHULZ ET AL.	
	Examiner	Art Unit	
	FATEH M. OBAID	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-23 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/30/2010</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Status of the Application

1. This Office Action is in reply to amendment filed on 06/30/2010.
2. Claims 20-23 have been newly added.
3. Claims 1-23 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloom “US 2002/0130065 A1” (Bloom) in view of Robare “US 6,601,073 B1” (Robare).
5. **Regarding Claim 11:** Bloom discloses a device for distributing packages or similar dispatched articles for performing the method according to claim 1, the device comprising:
 - a HUB center and in the area of the HUB center measuring device comprising (**at least see Bloom Abstract; Figs. 1 and 1A;**

- a central computer, wherein measured data measured by the measuring device are supplied to the central computer correlating the measured data to the packages as package routing codes such that by means of the measured data processed by the central computer in the HUB center a control action is effected with which the packages are transferable in an ordered sequence into at least one vehicle and the packages are distributable by a route planning that is dynamically optimized by the package routing codes (**at least see Bloom Abstract; ¶¶ 0066, 0071, 0140, 0161, 0191, 0232-0238 and 0247**).
- Bloom discloses the claimed invention but fails to explicitly disclose sensor units for detecting identification data, package sizes (length, width, height, weight), addresses and geo coordinates, respectively. However, Robare discloses this limitation (**at least see Robare Fig. 1; 8:38-67**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Robare's teachings in Bloom's Method and Apparatus For Efficient Packet Delivery and Storage enabled, for the advantage of faster sorting and distribution the items to the destination.

6. **Regarding Claim 12:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein, for detecting and identifying the packages by package codes, a transponder as an information carrier is secured on the packages, wherein data of the transponder are acquired in the area of the HUB center that is configured as a sorting location and has a HUB computer with a stored-program control unit connected to the central computer, which HUB computer for handling the packages interacts respectively with sensor devices, controlled storage

devices, packing devices, and distribution systems on the basis of the geo coordinates (**at least see Bloom ¶¶ 0138 and 0325-0331**).

7. **Regarding Claim 13:** Bloom in combination with Robare discloses the device according to claim 12,

- wherein the sensor units are arranged in the HUB center in the area of an arrival conveying stretch and individually measure the packages, wherein comparing and measuring results of the sensor units are transmitted in the form of the package routing codes to the transponder forming the information carrier and to the HUB computer (**at least see Bloom ¶ 0250**).

8. **Regarding Claim 14:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein the HUB center in the area of an exit conveying stretch is provided with a packing device and a support device receiving package stacks contained in a transport box (**at least see Bloom ¶¶ 0181-0183**).

9. **Regarding Claim 15:** The device according to claim 11,

- wherein as a support device for sorted package stacks a transport box having standardized dimensions is provided (**at least see Bloom ¶ 0082**).

10. **Regarding Claim 16:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein selected packages in the area upstream of a packing device pass through a transport system that distributes the packages in a targeted way for transfer into transport boxes (**at least see Bloom ¶ 0006**).

11. **Regarding Claim 17:** Bloom in combination with Robare discloses the device according

to claim 11,

- wherein the package routing codes generated in the central computer for a transport box, respectively, are transmitted wireless or by a data storage medium onto a terminal device provided in a distribution vehicle (**at least see Bloom ¶¶ 0107--0109**).

12. **Regarding Claim 19:** Bloom in combination with Robare discloses the device according to claim 17,

- wherein the terminal device has an input part that acknowledges the delivery of the package (**at least see Bloom Abstract; ¶¶ 0017, 0277**).

13. **Regarding Claim 22:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein the control action is performed on a predetermined periodic basis (**at least see Bloom ¶¶ 0214, and 0255**).

14. **Regarding Claim 23:** Bloom in combination with Robare discloses the device according to claim 22,

- wherein the period of the predetermined periodic basis is daily (**at least see Bloom ¶¶ 0255, 0270, and 0349**).

15. **Regarding Claim 18:** Bloom in combination with Robare discloses the device according to claim 17,

- wherein a navigation system or auxiliary devices with an application for geo coordinates that is integrated into the distribution vehicle are connectable to the terminal device (**at least see Robare Abstract**).

It would have been obvious to one having ordinary skill in the art at the time the invention

was made to use Robare's teachings in Bloom's Method and Apparatus For Efficient Packet Delivery and Storage enabled, for the advantage of better communications for a faster deliver.

16. **Regarding Claims 1-10:** all limitations as recited have been analyzed and rejected with respect to claims 11-19 and 22-23. Claims 1-10 and 20-21 pertain to a method corresponding to the system of claims 11-19 and 22-23. Bloom is a method and system for the efficient bulk package delivery for recipients (Abstract). Thus, claims 1-10 and 20-21 are inherently anticipated via analysis through claims 11-19 and 22-23. Moreover, implementing the system of claims 11-19 and 22-23 will necessitate carrying out the steps prescribed in corresponding method claims 1-10 and 20-21.

Response to Arguments

17. Applicant's arguments filed 11/29/2008 have been fully considered but they are not persuasive.

In the remarks, the Applicant argues in substance:

- **Argument A:**

This fails to disclose sensor units for detecting identification data, package sizes (length, width, height, weight), addresses and geo coordinates, respectively.

In response, the Examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Robare discloses this feature (**at least see Figs. 5-6; 8:35-67; Each of these locations 116 has a unique physical location (latitude, longitude, and optionally absolute or relative altitude) and each of locations 116 can be uniquely identified by its two dimensional (or three dimensional) geographic coordinates (i.e., latitude, longitude, and optionally altitude)**) . Also in 9:5-19 “As shown in FIG. 6, the parcel

90 is then stored to form the database 42 so that the data in each parcel 90 are logically and/or physically grouped together. Since the parcel represents the quantity of data that is accessed at the same time from the medium by the navigation system, when a parcel of data is accessed, all of its data records are read into the memory of the navigation system at the same time. With reference to the map 111 of FIG. 5, this means that all the data records of a spatially organized type of data encompassed within each rectangle 119 are accessed together as a group. It can be appreciated that for certain kinds of navigation functions, it is desirable to have in memory at the same time all the data records that represent features that are physically close together in the geographic region.” Therefore Bloom in combination Robare meets the scope of the claimed limitations.

- **Argument C:**

This fails to disclose packages are distributable by a route planning that is dynamically optimized by the package routing codes.

In response, the Examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Bloom discloses this feature (**at least see Bloom ¶¶ 0072, 0116, and 0238).**

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FATEH M. OBAID whose telephone number is (571)270-7121. The examiner can normally be reached on Monday-Friday 8:00 A.M to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. M. O./
Examiner, Art Unit 3627
8/21/2010

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627